

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YAN,  
Plaintiff,  
v.  
FU,  
Defendant.

Case No. [19-cv-04309-HSG](#)


**ORDER DISMISSING APPEAL**

Plaintiff-Appellant Demas Yan, proceeding *pro se*, filed a Notice of Appeal on July 26, 2019, appealing the Bankruptcy Court's denial of his motion for a new trial in case number 17-4056. Dkt. No. 1. On September 30, 2019, the Clerk from the United States Bankruptcy Court notified the Court that Yan failed to perfect the appeal pursuant to Federal Rule of Bankruptcy Rule 8009(a)(4). Dkt. No. 4. It has now been over 140 days since the notification, and Yan has provided no explanation for his failure to complete the record on appeal nor taken any observable action. Yan further failed to respond to the Court's order to show cause why the case should not be closed in light of case number 4:19-cv-05633-HSG, which also appeals Bankruptcy Court case number 17-4056.

The Court thus **DISMISSES** the appeal for failure to prosecute. *See e.g., Greco v. Stubenberg*, 859 F.2d 1401, 1403–04 (9th Cir. 1988) (finding an appellant's failure to take steps required to perfect his appeal was grounds for dismissal due to failure to prosecute).

**IT IS SO ORDERED.**

Dated: 2/20/2020

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge